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In re Application of: MAUBANT, et al  
Application No.: 10/507,369  
PCT Application No.: PCT/FR03/00955  
Int. Filing Date: 26 March 2003  
Priority Date Claimed: 27 March 2002  
Attorney Docket No.: 161.002  
For: Strain-Measuring Device

MAUBANT Date: 08/28/2006 SBASHEIR  
: 08/28/2006 CRUT1 00000004 100077 10507369  
: 08/28/2006 625.00 LR  
: :  
: DECISION on  
: PETITION under  
: 37 CFR 1.181  
: :  
MAUBANT Date: 08/28/2006 SBASHEIR  
: 08/28/2006 CRUT1 00000004 100077 10507369  
: 08/28/2006 180.00 CR  
: :  
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This is in response to Applicant's "Petition to the Director Under 37 CFR 1.181" filed 15 April 2006.

### **BACKGROUND**

On 26 March 2003, Applicant filed international application PCT/FR03/00955, which claimed priority of an earlier French application filed 27 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 02 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 27 September 2004.

On 21 September 2004, Applicant filed national stage papers in the United States Designated Elected Office (DO/EO/US). The submission was accompanied by, inter alia, the basic national fee required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 20 April 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905).

On 13 June 2005, the DO/EO/US mailed a Notification of Defective Response, which indicated that supplemental claims fees, in the amount of \$805, are due, and that

Applicant must either submit the additional claim fees or cancel the additional claims for which fees are due, within one month from the date of mailing of said "Response".

On 27 June 2005, Applicant filed a petition under 37 CFR 1.181, to withdraw the holding of the "Notification of Defective Response". However, the petition was dismissed, which resulted in the charging of \$805 to Applicant's deposit account.

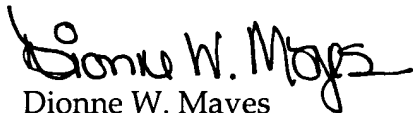
On 10 July 2005, Applicant filed a "Response to Notice of Defective Response", including a preliminary amendment, canceling the claims for which fees were due.

On 01 April 2006, Applicant filed a "Request for Refund of Fees" requesting a refund of the \$805 fee that was charged its deposit since Applicant filed a preliminary amendment canceling the claims for which fees were due.

On 15 April 2006, Applicant filed the instant petition under 37 CFR 1.181.

#### DISCUSSION

A review of the application file reveals that Applicant canceled the claims for which fees are due within the time period set forth by the "Notification of Defective Response" mailed on 13 June 2005. Based on this action, the instant petition and, hence, the request for refund, is properly GRANTED. Deposit Account 10-0077 will be credited with the requested \$805 refund.



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